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§ Attorney Docket No.: Safoco-1-2

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Art Unit No. 3753

Examiner: A. Michael Chambers

TECHNOLOGY CHAPTER R3700

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Assistant Commissioner for Patents  
Washington, DC 20231

As discussed with the Examiner in a teleconference regarding the Information Disclosure Statement, enclosed herewith is form PTO-1449 listing all references previously cited in parent applications U.S. Application Serial No. 09/538,881, now U.S. Patent No. 6,250,605, which in turn was a continuation of Serial No. 08/968,904, now U.S. Patent No. 6,089,531, which in turn was a continuation of Serial No. 08/206,424, now abandoned, together with copies of most of those references. As explained to the Examiner, the references not included are the three untitled drawings of valve actuator sold by Aerborne Control Systems, Inc. in 1984-1985 and two fliers namely: Instruction Pamphlet: "Bonnet Seal Replacement," 1 page, Baker CAC, Belle Chasse, Louisiana, Sept. 15, 1985, and Product Bulletin: Pneumatic Actuator Tandem Dia-Flex, Unit No. 885-92-T2153, 2 pages, Baker CAC, Inc., Sept. 23, 1987.

Claims 21-23 stand rejected under 35 USC §101 as claiming the same invention as that of Claims 1 and 2 of prior U.S. Patent No. 6,205,605 and Claim 27 of prior U.S. Patent No. 6,089,531, respectively. This double-patenting rejection is respectfully traversed.

Turning first to Claim 27 of prior U.S. Patent No. 6,089,531, that claim calls for, *inter alia*, upper and lower spring retainers that are rotatable relative to the bonnet stem in the

bonnet housing, respectively. Claims 21-23 of the present application are not so limited. Indeed, Claims 21-23 do not recite that the upper or lower spring retainers are rotatable relative to the bonnet stem or the bonnet housing, respectively. Additionally, with respect to Claims 1 and 2 of U.S. Patent No. 6,250,605, Claims 21 and 22 do not require that the upper spring retainer be separate from the operator member, a limitation which is present in both Claims 1 and 2 of U.S. Patent No. 6,250,605.

With respect to Claim 23, that claim recites a hydraulic valve actuator including a hydraulic piston member. Claims 1 and 2 of U.S. Patent No. 6,250,605 are not so limited. Furthermore, Claim 23 does not recite that the upper spring retainer is rotatable with respect to the bonnet stem, a limitation which is present in both Claims 1 and 2 of U.S. Patent No. 6,250,605.

Applicant notes that the Examiner has considered the prior art of record in the previous applications which matured into U.S. Patent Nos. 6,089,531 and 6,250,605, most of which are being supplied with this response. Accordingly, since it has been demonstrated that Claims 21-23 are not subject to double-patenting as claiming the same invention of Claim 27 of U.S. Patent No. 6,089,531 or Claims 1 and 2 of U.S. Patent No. 6,250,605, it is respectfully submitted that Claims 21-23 are in condition for allowance which is hereby earnestly solicited and respectfully requested.

Respectfully submitted,

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Date: 2/1/02

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**CERTIFICATE OF MAILING**

I, C. James Bushman, hereby certify that this correspondence and all referenced enclosures are being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, DC 20231, on February 1, 2002

By: [Signature]